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14 *Toshiba America, Inc., Toshiba America*
15 *Consumer Products, L.L.C., Toshiba America*
16 *Electronic Components, Inc., and Toshiba*
17 *America Information Systems, Inc.*

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19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 (SAN FRANCISCO DIVISION)

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24 IN RE: CATHODE RAY TUBE (CRT)
25 ANTITRUST LITIGATION

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28 This Document Relates to:

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30 DIRECT PURCHASER CLASS ACTIONS

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1 I, Dana E. Foster, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, attorneys for
3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Consumer
4 Products, L.L.C., Toshiba America Electronic Components, Inc., and Toshiba America
5 Information Systems, Inc. (collectively, the "Toshiba Defendants"). I make this
6 declaration in support of the Direct Purchaser Plaintiffs' Administrative Motion to Seal
7 Documents Pursuant to Civil Local Rules 7-11 and 79-5(d) (Dkt. No. 2208) (the "Motion
8 to Seal").

9 2. Except for those matters stated on information and belief, which I believe to be
10 true, I have personal knowledge of the facts set forth herein and, if called upon, could and
11 would competently testify thereto under oath.

12 3. On June 18, 2008, the Court issued a Stipulated Protective Order (Dkt. No.
13 306) (the "Stipulated Protective Order").

14 4. The Toshiba Defendants have produced in this action certain documents and
15 information designated as either "Confidential" or "Highly Confidential" pursuant to the
16 Stipulated Protective Order.

17 5. On November 11, 2013, the Direct Purchaser Plaintiffs filed the Motion to
18 Seal, and lodged conditionally under seal, pursuant to Civil Local Rules 7-11 and 79-5(d),
19 documents and portions of documents containing information designated "Confidential"
20 or "Highly Confidential":

- 21 a. Portions of the Reply Brief in Support of Direct Purchaser Plaintiffs'
22 Motion for Class Certification ("Reply Brief");
- 23 b. Exhibits 1, 5, 6, and 7 to the Declaration of Geoffrey C. Rushing in
24 Support of Reply Brief in Support of Direct Purchaser Plaintiffs' Motion
25 for Class Certification ("Rushing Reply Declaration"); and
- 26 c. The Reply Expert Report of Jeffrey J. Leitzinger, Ph.D. ("Leitzinger
27 Report").

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DECLARATION OF DANA E. FOSTER IN SUPPORT OF
DIRECT PURCHASER PLAINTIFFS' ADMINISTRATIVE MOTION TO
SEAL DOCUMENTS PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)

Case No. 07-5944 SC, MDL No. 1917

1 6. On November 11, 2013, the Direct Purchaser Plaintiffs filed the Declaration of
2 Travis L. Manfredi in Support of Direct Purchaser Plaintiffs' Administrative Motion to
3 Seal Documents Pursuant to Civil Local Rules 7-11 and 79-5(d) (Dkt. No. 2208-1) which
4 states that the documents identified in Paragraph 5 have been designated confidential by
5 the Toshiba Defendants and other defendants.

6 7. Pursuant to Civil Local Rules 7-11 and 79-5, and the Stipulated Protective
7 Order, the following documents or redacted portions of documents, should be maintained
8 under seal and redacted from the Rushing Reply Declaration and the Leitzinger Report:

- 9 a. Exhibit 1 to the Rushing Reply Declaration which is the Direct Purchaser
10 Plaintiffs' Supplemental Responses to Samsung SDI America, Inc.'s First
11 Set of Interrogatories to Direct Purchaser Plaintiffs that cites to and
12 quotes from documents that the Toshiba Defendants have designated
13 "Confidential" or "Highly Confidential" pursuant to the Stipulated
14 Protective Order;
- 15 b. The numerous redacted paragraphs and footnotes from Exhibit 5 to the
16 Rushing Reply Declaration which is a previously sealed Memorandum of
17 Law in Support of Defendants' Motion to Strike the Proposed Testimony
18 of Dr. Janet S. Netz that describes, quotes from, and/or summarizes
19 information from documents and the transcripts of Rule 30(b)(6)
20 depositiona that the Toshiba Defendants have designated "Confidential"
21 or "Highly Confidential" pursuant to the Stipulated Protective Order; and
- 22 c. The Leitzinger Report which consists of information and analysis derived
23 from documents produced in this litigation and designated "Confidential"
24 or "Highly Confidential" by the Toshiba Defendants and other defendants
25 pursuant to the Stipulated Protective Order.

26 8. Each of the documents listed in Paragraph 7 consist of, quote from, and/or
27 contain confidential, non-public, proprietary and highly sensitive business information.
28 The documents contain confidential, non-public information about the Toshiba

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1 Defendants' sales practices, business and supply agreements, and competitive positions.
2 The documents describe relationships with companies — including customers and
3 vendors — that remain important to the Toshiba Defendants' competitive positions. Upon
4 information and belief, publicly disclosing this sensitive information presents a risk of
5 undermining the Toshiba Defendants' relationships, would cause harm with respect to the
6 Toshiba Defendants' competitors and customers, and would put the Toshiba Defendants at
7 a competitive disadvantage.

8 I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct.

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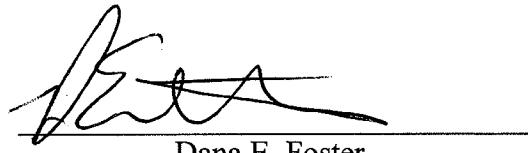
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Executed this 15th day of November, 2013, in Washington, D.C.

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Dana E. Foster

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DECLARATION OF DANA E. FOSTER IN SUPPORT OF
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CERTIFICATE OF SERVICE

On November 15, 2013, I caused a copy of "DECLARATION OF DANA E. FOSTER IN SUPPORT OF DIRECT PURCHASER PLAINTIFFS' ADMINISTRATIVE MOTION TO SEAL DOCUMENTS PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)" to be electronically filed via the Court's Electronic Case Filing System, which constitutes service in this action pursuant to the Court's order, of September 29, 2008.

Dana E. Foster

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